

REMARKS/ARGUMENTS

The Office Action mailed April 4, 2003 has been carefully reviewed. Reconsideration of this application as amended and in view of the following remarks is respectfully requested. The claims presented for examination are: claims 11-16. Claims 1-10 stand "withdrawn" as directed to a non-elected group.

Restriction Requirement

In a Restriction Requirement, the Examiner restricted the prosecution of the above-captioned application to one of the inventions as grouped below. The Examiner supported the requirement for restriction under 35 U.S.C. 121.

Groups

- I. Claims 1-10, drawn to a method, classified in class 216, subclass 17.
- II. Claims 11-16, drawn to a product, classified in class 428, subclass 188.

Response to Restriction Requirement

Applicants elected the claims of group II, Claims 11-16, drawn to a product, classified in class 428, subclass 188 for examination. Claims 1-10 stand "withdrawn."

35 USC 102 Rejection

In Office Action mailed April 4, 2003, claims 11-16 were rejected under 35 USC 102 (b) as allegedly being anticipated the Lum et al reference (US Patent No. 5,932,315).

Response to 35 USC 102 Rejection

The rejected claims have been amended and now specify:

a first substrate,
at least one etched microchannel in said first substrate,

a second substrate positioned on said first substrate that covers said at least one etched microchannel in said first substrate,

a corresponding at least one annealed microchannel in said second substrate immediately above said at least one microchannel in said first substrate, and

a bond connecting said first substrate and said second substrate, wherein said at least one etched microchannel and said at least one annealed microchannel comprise said at least one sealed microchannel

Applicant respectfully submits that the Lum et al reference does not show the structural elements of claims 11-16 now presented for examination. As stated in Verdegaal Bros. v. Union Oil Co. of California, 814 F.2nd 628, 631 USPQ 1051, 1053 (Fed. Cir. 1987), "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." Since the structural elements of the claims now presented for examination are not shown by the Lum et al reference, the rejection is unsupported by the art and should be withdrawn.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated April 4, 2003 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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